

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK A. BROWN,
Petitioner,

v.

JOHN KERESTES, et al.,
Respondents.

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CIVIL ACTION NO. 13-CV-3068

ORDER

AND NOW, this 16th day of December, 2022, in consideration of Petitioner Mark A. Brown's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 53), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to reopen this case for purposes of considering the Motion.
2. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Brown's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).
3. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
4. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.